



Department of Planning, Housing, & Community Development

Mayor, Matthew T. Ryan

Director, Tarik Abdelazim

STAFF REPORT

TO: Zoning Board of Appeals Members
DATE: January 22, 2013
SUBJECT: 10 Glenwood Avenue; Area Variances
APPLICANT: Cost Cutters / 3i Graphics & Signs for Tube Art Signs
TAX ID #: 143.84-2-24
CASE: 2013-01
COPIES: T. Abdelazim, B. Seachrist, T. Costello, T. Rennia (District 3), S. Olsen, File

A. REVIEW REQUESTED

3i Graphics has submitted an application for an area variance to allow the installation wall signs for a Cost Cutters to be located at 10 Glenwood Avenue within an existing commercial tenant space. The subject tenant space is the southeastern most tenant space within the shopping center, abutting Charlotte Street. The subject property is located within the C-1, Service Commercial District.

The applicant proposes to install a 23.77 square foot 'Cost Cutters' wall sign to the eastern, "rear" façade of the subject building, for visibility from Charlotte Street. This sign would be in addition to the additional 2 signs (one 23.77 square foot wall sign on the building's western façade and one window sign) permitted for the business.

In the C-1 District, only two signs are permitted per activity per frontage, and wall signs may extend from the building façade a maximum of 6 inches. The business' proposal would result in a total of 1 window sign and 2 wall signs, one of which extends 13 inches.

	Maximum Allowed in C-1 District	Proposed
Number of Signs	2	3
Projection from Building	6 inches	13 inches

Therefore, the applicant requires area variances for maximum number of signs and maximum projection of a wall sign in the C-1, Service Commercial District.

In granting an area variance, the Zoning Board of Appeals must weigh the benefit to the applicant if the variance is granted against the detriment to the health, safety, and welfare of the neighborhood or community by such a grant. The following must also be considered:

- (a). **Undesirable change:** Whether an undesirable change will be produced in the character of the

neighborhood, or whether a detriment to nearby properties will be created;

- (b). **Reasonable alternative:** Whether the Applicant can achieve his goals via a reasonable alternative that does not involve the necessity of an area variance;
- (c). **Substantial request:** Whether the variance requested is substantial;
- (d). **Physical and Environmental Conditions:** Whether the requested variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district;
- (e). **Self-created hardship:** Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Zoning Board of Appeals, in granting an area variance, shall grant the minimum variance that it shall deem necessary and adequate, and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

B. ADDITIONAL REVIEWS

The project is not located within a historic district; the proposed project does not require design review from the Commission on Architecture and Urban Design (CAUD).

The project is not located within the Local Waterfront Revitalization Project boundaries; review by the Waterfront Advisory Committee is not required.

C. SITE REVIEW

The subject site is a 10 acre parcel bounded by Glenwood Avenue to the West, railroad tracks (active) to the North and Charlotte Street to the East. The rear property lines of Main Street commercial properties adjoin the subject parcel to the south. The site is accessible from Main Street, Glenwood Avenue and Charlotte Street.

Land use in the vicinity of the site is primarily commercial, with some residential use to the east of the subject property along Charlotte Street. One Community Service use, Catholic Charities, abuts the subject parcel to the south. Commercial uses in the vicinity of the proposed project include: Daniels Paint & Decorating, Advance Auto Parts, Citizen's Bank, Binghamton Fluorescent, Reliable Auto, Kentucky Fried Chicken, CVS Pharmacy and the Westside Plaza.

D. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

10 Glenwood Avenue: Area variances for maximum number of wall signs, maximum square footage for a wall sign (2) and maximum number of total signs were granted by the Zoning Board of Appeals on February 7, 2012 for a newly constructed Price Chopper supermarket in the C-1 District. Applicant was Signworks Neon Corp.

10 Glenwood Avenue: On February 7, 2012, the Zoning Board of Appeals approved four area variances for signage, including 369 square feet of wall signage, for Price Chopper.

220 Main Street: In 1975, the Zoning Board of Appeals denied an area variance request by The Green Onion, Inc. to operate an off-street parking area on leased land which was more than 250 feet from the subject property.

225 Main Street: In February of 2003, the Zoning Board of Appeals granted area variances to Abbas Mizrab to operate an automobile sales business.

12 Charlotte Street: In 1989, J & K Plumbing and Heating Inc. was granted five area variances to allow the construction of a warehouse.

15 Charlotte Street: The Zoning Board of Appeals granted a request by Michael McKeon in 1996 for area variances to permit a shed that was constructed without a building permit.

24 Charlotte Street: Endicott Coil Company Inc. was granted area variances in 1979 to construct a three-story addition.

E. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Zoning Board of Appeals may be the lead agency to determine any environmental significance.

1. Motion to determine what type of action:
 - a. Type I
 - b. Type II
 - c. **Unlisted**
2. Determine Lead Agency and other involved agencies.
3. Motion to schedule a public hearing.
4. After the Public Hearing, Determination of Significance based on:

Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production	Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character?	Vegetation of fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?	A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other	Growth, subsequent development, or related activities likely to be induced by the proposed action?	Long term, short term, cumulative, or other effects not identified in C1-C5?	Other impacts (including changes in use of either quantity or type of energy)?
--	---	---	--	--	--	--

or disposal, potential for erosion, drainage or flooding problems?			natural resources?			
<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>

F. STAFF FINDINGS

Planning Staff has the following findings:

The granting of the requested area variances are not substantial and would not produce an undesirable change in the character of the neighborhood. The amount and size of proposed signage is appropriate for the scale and position of the subject structure to which it will be affixed.

G. ENCLOSURES

Enclosed are copies of the application, renderings of proposed signage and site photos.

Sincerely,

Patrick C. Day
Planner

Enclosures